

United States District Court

EASTERN

DISTRICT OF

OKLAHOMA

UNITED STATES OF AMERICA

v

JACKIE LEON BUSH

FILED

CRIMINAL COMPLAINT

DEC 02 1998 CASE NUMBER: 98-84 M

William B. Guthrie
Clerk, U.S. District Court

(Name and Address of Defendant).

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Deputy Clerk

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 30, 1998 in Talihina, Oklahoma in the Eastern District of Oklahoma defendant(s) did, (Treck Statutory Language of Offense)
assault with a dangerous weapon, with intent to do bodily harm,

in violation of Title 18 United States Code, Section(s) 113(a)(3)

I further state that I am a(n) F.B.I. Special Agent and that this complaint is based on the following facts:

(See attached Affidavit of Special Agent Gary Graff, Federal Bureau of Investigation, which is attached hereto and made a part hereof by reference.)

Continued on the attached sheet and made a part hereof: Yes No

Yes No

Signature of Complainant

GARY GRAFF, S.A.

FEDERAL BUREAU OF INVESTIGATION

at McAlester, Oklahoma

City and State

Signature of Judicial Officer

Sworn to before me, and subscribed in my presence
December 2, 1998
Date
RICHARD CORNISH
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

AFFIDAVIT

I, Gary Graff, duly sworn under oath, make the following statement of facts which are true and correct to the best of my knowledge.

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), Oklahoma City Division.
2. As a Special Agent with the FBI, I am vested with the authority to investigate violations of certain federal laws, including those found in Title 18, and have received training in investigating such laws.
3. On November 30, 1998, and December 1, 1998, I have been advised of the following facts regarding an assault on Dr. James Howard, Choctaw Nation Hospital, Talihina, Oklahoma.
4. On December 1, 1998, Mary Downing, Realty Specialist, Bureau of Indian Affairs, Muskogee Area Office, advised that the Choctaw Nation Hospital and surrounding buildings, including approximately 57.5 acres located in Talihina, Oklahoma, is federally owned land, used for hospital purposes, and was acquired by the Untied States on January 29, 1940, from the Choctaw and Chickasaw Nations.
5. On November 30, 1998, Officer Eldon Hokit, Choctaw Tribal Police, advised that on November 30, 1998, at approximately 10:00 a.m., at the Choctaw Nation Hospital, outpatient department, examination room, Talihina, Oklahoma, a patient assaulted Dr. James Howard by stabbing Howard in the back with a knife. The knife was left imbedded in Howard's back by the patient.
6. On December 1, 1998, Officer Spencer Martin, Choctaw Nation Hospital Security Department, Talihina, Oklahoma, provided a map and advised that the outpatient department, the

location of /the assault on Dr. Howard, was located in Building 201, the main hospital building which is centrally located to the other buildings comprising the hospital compound.

7. On December 1, 1998, Sharon Smith, LPN, employee of Choctaw Nation Hospital, Talihina, Oklahoma, advised that she was working in the proximity of Dr. Howard at approximately 10:15 a.m. on November 30, 1998, at the outpatient department, Choctaw Nation Hospital, Talahina, Oklahoma. Smith provided the following information:

That at approximately 10:15 a.m., Dr. Howard was attending to a patient in an examination room, adjacent to Smith. Smith heard a noise from the examination room as if someone was pushed. Smith overheard Dr. Howard say, "Why did you do that?" Smith observed the patient exit the examination room, followed by Dr. Howard. Smith observed a knife protruding from Dr. Howard's back in the upper right shoulder. Smith observed no one else in the inside or exiting the examination room, other than Dr. Howard and the patient.

Smith is familiar with the patient described in the above paragraph as Smith has treated him before, on at least ten occasions during the past year. Such treatment has included giving shots, taking blood pressure, temperature and general screening.

Approximately twenty minutes after the assault on Dr. Howard, Smith observed the patient described in the above paragraph sitting in the waiting room of the outpatient department. Smith notified security officer Russell Tennison. Smith advised that Smith is certain that the patient described in the above paragraph is the same person she identified to Officer Tennison.

Smith advised that Dr. Howard advised her that he had thought that the patient described above had punched him in the back, and that he didn't realize at the time that he was stabbed.

8. On December 1, 1998, Officer Russell Tennison, Choctaw Nation Hospital Security, Talihina, Oklahoma, advised that he responded to the assault on Dr. Howard at about

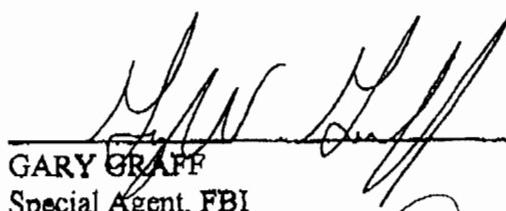
10:35 a.m. on November 30, 1998. Pursuant to his investigation of the incident, Tennison was advised by Sharon Smith that the patient who was with Dr. Howard in the examination room at the time of the assault was currently sitting in the waiting room. Tennison apprehended the patient identified by Smith and determined the patient's identity as Jackie Leon Bush, an Indian male, date of birth 7/31/53.

8. On December 1, 1998, Officer Hokit provided the FBI with a copy of a Bureau of Indian Affairs, Certificate of Indian Blood, indicating that Jackie Leon Bush, date of birth July 31, 1953, is $\frac{1}{2}$ Choctaw.

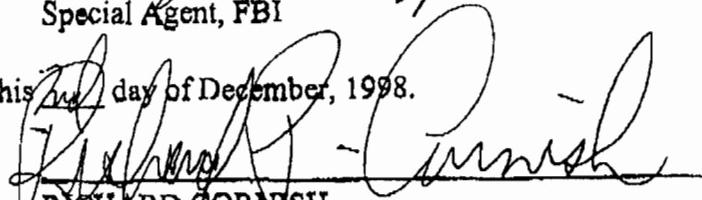
9. I am advised by Officer Hokit that Jackie Leon Bush has been previously treated and/or hospitalized for mental illness.

10. The above acts committed by Jackie Leon Bush are in violation of Title 18, United States Code, Section 113(a)(3), assault with a dangerous weapon, with intent to do bodily harm.

Further affiant sayeth not.


GARY GRAFF
Special Agent, FBI

Subscribed and sworn before me this 1st day of December, 1998.


RICHARD CORNISH
United States Magistrate Judge